

1 Jonathan W. Birdt [SB# 183908]
2 Jbirdt@brachfeldcollections.com

3 **THE BRACHFELD LAW GROUP, P.C.**
4 880 Apollo St. Suite 155
5 El Segundo, CA 90245
6 Telephone: (310) 273-7867
7 Facsimile: (310) 273-9867

8
9 Attorney for Defendant,
10 THE BRACHFELD LAW GROUP, P.C.

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

13 DONNA GARCIA,) Case No.: CV11-01253
14 Plaintiff,)
15 vs.) OPPOSITION TO REQUEST FOR EX
16) PARTE RELIEF
17 RESURGENT CAPITAL SERVICES, L.P.,)
18 LVNV FUNDING, LLC, THE BRACHFELD)
19 LAW GROUP, P.C. a.k.a BRACHFELD &)
ASSOCIATES, P.C., and DOES 1-10,)
Defendant)

)

20
21
22 Counsel for Plaintiff offers no reason or legal basis for seeking more time
23 other than a statement that one of the two attorneys for Plaintiff is or was out of
24 town. The motion for Summary Judgment is very straightforward and delay would
25 create prejudice because additional fees and trial preparation may unnecessarily be
26 incurred as the matter could be submitted to the Court several weeks earlier under
27 the current schedule.

The motion itself contains no surprises and addresses the single issue counsel have been discussing for months, Plaintiffs refusal to amend to identify the correct debt she now admits owing. The hearing was scheduled during a Case Management conference On January 25, 2012 During which Counsel for Plaintiff actually complained that the motion had not already been filed and Defendant sought to avoid having to file the motion by requesting Plaintiff simply amend to identify the correct debt.

Plaintiffs' counsel offers no reason or explanation for why they can't comply with the current briefing schedule and further delay does prejudice both Defendants.

Date: February 17, 2012

By: /s/ Jonathan W. Birdt
Jonathan W. Birdt, Esq.